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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/721,790	11/22/2000	Charles R. Simmers	113622-150366	3981

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SCHWABE, WILLIAMSON & WYATT, P.C.
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1211 S.W. FIFTH AVE.
PORTLAND, OR 97204

EXAMINER

LEWIS, DAVID LEE

ART UNIT	PAPER NUMBER
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2629

MAIL DATE	DELIVERY MODE
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03/19/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Interview Summary

Application No.

09/721,790

Applicant(s)

SIMMERS, CHARLES R.

Examiner

KRISTA M. ZELE

Art Unit

2600

All participants (applicant, applicant's representative, PTO personnel):

(1) KRISTA M. ZELE, Quality Assurance Specialist.

(3)_____.

(2) Mr. Nathan Maki, attorney of record.

(4)_____.

Date of Interview: 18 March 2008.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.

If Yes, brief description: _____.

Claim(s) discussed: not applicable.

Identification of prior art discussed: not applicable.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.


KRISTA ZELE
QUALITY ASSURANCE SPECIALIST

Examiner Note: You must sign this form unless it is an
Attachment to a signed Office action.

Examiner's signature, if required

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Mr. Maki was advised that a review of the record has found some insufficiencies with the instant reissue application that preclude allowance "after final". Specifically, it was discussed that the declaration filed 3/19/01 fails to specify at least one error being corrected in this reissue; and furthermore, due to claim amendments filed after the filing of the original reissue declaration, a supplemental declaration in accordance with MPEP 1414.01 would also be required. It was discussed that declaration deficiencies can be corrected in a combined declaration. Mr. Maki was also advised that the original reissue spec and claims were not provided in the required 2 column format per MPEP 1411, see also 37 CFR 1.173(a)(1). It was also discussed that the 1.131 declaration filed 5/9/07 appears insufficient in addressing the actual dates relied on to establish due diligence (see MPEP 715.07, part II; 715.07(a) and 2138.06). Inasmuch as the previous Office action failed to raise all insufficiencies discussed, it was discussed that the examiner has agreed to the reopening of prosecution in order for applicant to have a fair opportunity to respond to these deficiencies. Accordingly, the Final rejection mailed 9/21/07 is hereby vacated. Therefore, the after final amendment filed 10/30/07 is now entered as a matter of right. No further response is required by applicant. The application is being returned to the examiner for new and appropriate action in response to the 10/30/07 response. All other reissue insufficiencies discussed above will be addressed in the new Office action which is forthcoming.



KRISTA ZELE
QUALITY ASSURANCE SPECIALIST